

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-17250 - APPLICANT/OWNER: TOUSA HOMES, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-17254) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Dedicate the additional right-of-way necessary to complete the taper required by Standard Drawing #201.1 for the intersection of Jones Boulevard and Grand Teton Drive that extends along Jones Boulevard at the northeast corner of this site.
4. Construct half-street improvements including appropriate transition paving on Jo Marcy Drive and Jones Boulevard adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). Alternatively, if allowed by the City Engineer, offsite improvements on Jones Boulevard may be satisfied through participation in the Jones Boulevard – Elkhorn Road to Horse Drive public improvement project.
5. A working sanitary sewer connection shall be in place prior to final inspection of any units within this development. All off-site improvements adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed within 24 months of approval of construction drawings. No partial bond releases will be allowed until all perimeter roadway improvements are in place.

6. Extend public sewer in Jo Marcy Drive to the western edge of this site at a size, depth and location acceptable to the Collection System Planning section of the Department of Public Works. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The proposed rezoning to and R-PD2 (Residential Planned Development – 2 Units Per Acre) is not considered appropriate for this location. The parcel does not meet the minimum lot size for Residential Planned Development and a Variance (VAR-17253) is required. The lot sizes that result from this rezoning are approximately 1,500 square feet smaller than what is currently permitted on this property; however, the lot sizes are only half the size of the existing adjacent lots. The setbacks that would result are more closely related to those of higher density development rather than the current R-E (Residence Estates) District. Due to these factors denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/21/06	This item and companion items for a Site Development Plan Review (SDR-17254) and a Variance (VAR-17253) were held in abeyance at the request of the applicant.
01/25/07	<p>The Planning Commission recommended approval of companion items VAR-17253 and SDR-17254 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #28/ng).</p>
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this development.	
<i>Pre-Application Meeting</i>	
09/15/06	A pre-application meeting was held. It was noted that the parcel ending in 006 is located in the Rural Preservation Overlay District Buffer. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.58
Net Acres	2.84

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single-family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single-family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single-family Residential	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre)
West	Single-family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
R-PD (Residential Planned Development) District	X		N
Trails		X	Y
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Per Title 19.06 the following Development Standards apply:

<i>Standard</i>	<i>Provided</i>
Min. Lot Size	18,004 SF
Min. Lot Width	73.43 Feet
Min. Setbacks (standard-lot)	
• Front	25 Feet
• Side	5 Feet
• Corner	10 Feet
• Rear	30 Feet
Min. Setbacks (cul-de-sac)	
• Front	20 Feet
• Side	5 Feet
• Corner	10 Feet
• Rear	30 Feet
Min. Distance Between Buildings	10 Feet
Max. Building Height	29.5 Feet

<i>Residential Adjacency Standards</i>						
Residential Adjacency requirements do not apply to the proposed development.						
<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
R-E (Residence Estates)	2 Units Per Acre	Eight (Six units are proposed)	R-PD2 (Residential Planned Development – 2 Units Per Acre)	2.49 Units Per Acre	DR (Desert Rural Density Residential)	2.49 Units Per Acre

<i>Open Space</i>
Residential Planned Developments with less than 12 lots are not required to provide open space. The proposed development will have a total of six lots and is not required to provide open space.

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>
The project is required to provide a minimum of two parking spaces pre dwelling unit. Each unit is proposed to have a minimum of a two car garage, while most units include a three car garage. This meets Title 19.10 parking requirements.

ANALYSIS

The proposed rezoning is not considered appropriate. The parcel does not meet the requirements of Title 19.06.040 for Residential Planned Development as it is less than five acres in area. The subject property is 28 percent deficient in area. This deviation requires a Variance (VAR-17253) and denial of that variance is recommended. It is further noted that this rezoning would permit the applicant to develop an additional three lots on the property than what adjacent development typically would have. The smaller lots create shorter setbacks which resemble a higher density development. Together these changes would make the site incompatible with the surrounding neighborhood. Denial of this request is recommended.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **“The proposal conforms to the General Plan.”**

While the proposed development conforms to the General Plan, the proposal is considered to be incompatible with the surrounding area due to smaller lot sizes and the required Variance.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The single-family residential use is compatible with the area; however, the proposed design includes lot sizes that are smaller than adjacent lots and additional deviations from standards that make the proposed project incompatible with the area.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors do not indicate the need for this rezoning. The applicant is simply gaining additional lots over what would otherwise be permissible under the current zoning designation.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The site gains access via a cul-de-sac from Jo Marcy Drive. The addition of six lots will cause an increase in traffic on this portion of Jo Marcy Drive.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 155 by Planning Department

APPROVALS 0

PROTESTS 0